

UNITED STATES DISTRICT COURT

for the

Southern District of Alabama

United States of America

v.

RONALD BENJAMIN SMITH

Date of Original Judgment: 01-18-2008

Date of Previous Amended Judgment: 01-19-2012

(Use Date of Last Amended Judgment if Any)

Case No: 07-00184-001

USM No:

Pro Se

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

(Complete Parts I and II of Page 2 when motion is granted)

ADDITIONAL COMMENTS

This court has already denied an similar motion filed by this defendant (Doc. 66). The request for relief is again denied because the defendant's sentence was based on the statutory mandatory minimum (enhanced), and the Fair Sentencing Act of 2010 did not affect the mandatory minimum in this case. See U.S. v. Berry, 701 F.3d 374 (11th Cir. 2012).

Except as otherwise provided, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.

Order Date: 2-14-2013

/s/ Callie V. S. Granade

Judge's signature

Effective Date:

(if different from order date)

United States District Judge

Printed name and title